

8. The respondent clearly states that it has given 5 additional manpower to the NSD plant for the installation of new machines. Earlier there were 35 workmen allocated to 6 machines and currently 40 workmen are allocated for 8 machines. Hence, there is proportionate increase in manning for the additional machines.

The 12(3) settlement, dated 10-5-2007 contains clauses pertaining to productivity, production process and manning for all operations. The incentive scheme is worked out on the basis of output and productivity and the respondent is implementing all such process in accordance with the 12(3) settlement. In fact all the employees are getting additional incentives for the proportionate increase in production along with adequate increase in manning for each process. After the settlement the incentive is being calculated on the basis of Overall Equipment Efficiency method so there is no reduction in the incentive amount.

9. The 12(3) settlement, dated 10-5-2007 is agreed by both the parties and the agreement was entered into in the presence of the responsible Government Officers. So, the parties are bound by each and every terms and conditions of such settlement. Once the agreement is accepted it has to be accepted in *toto* and partial acceptance is not possible. No party can seek enforcement only beneficiary clauses and seek rejection of non-beneficiary clauses in settlement. So, it is very clear that the 12(3) settlement, dated 10-5-2007 is justifiable one. In this case a compromise memo was filed on the side of the petitioner and the respondent counsel endorsed no objection in it. Since, the parties have settled the matter the petition is dismissed.

Typed to my dictation, corrected and pronounced by me in the open court on this the 27th day of September, 2013.

**S. MARY ANSELAM,**  
Presiding Officer,  
Industrial Tribunal.

*List of witness examined for the petitioner:*

PW. 1 — 4-11-2011— Ezhumalai

*List of witnesses examined for the respondent:*

RW. 1 — August 2012— S.Gurumoorthy  
(Maintenance Executive in the  
respondent factory).

RW. 2 — 31-3-2012— Santosh Sahakari (Manufacturing  
Manager in the respondent detergent  
factory).

*List of exhibits marked for the petitioner:*

Ex.P1 — Memorandum of Settlement, dated 10-5-2007.

Ex.P2 — Copy of the letter sent by the petitioner  
to the respondent, dated 26-2-2009.

Ex.P3 — Copy of the letter sent by the petitioner  
to the respondent, dated 5-3-2009.

Ex.P4 — Copy of the letter sent by the petitioner  
to the respondent, dated 25-3-2009.

Ex.P5 — Copy of the letter sent by the petitioner  
to the Labour Commissioner/ Labour  
Officer, Conciliation, Labour  
Department, Puducherry, dated 12-6-2009.

Ex.P6 — Copy of the letter sent by the petitioner  
to the Labour Commissioner/ Labour  
Officer-Conciliation, Labour Department,  
Puducherry, dated 12-6-2009.

Ex.P7 — Letter sent by the respondent to the  
petitioner, dated 27-6-2009.

Ex.P8 — Copy of the letter sent by the petitioner  
to the Commissioner/ the Conciliation  
Officer, Labour Department, Puducherry,  
dated 30-6-2009.

Ex.P9 — Copy of the letter sent by the  
petitioner to the Conciliation Officer,  
Labour Department, Puducherry,  
dated 8-7-2009.

Ex.P10 — Copy of the letter sent by the petitioner  
to the Conciliation Officer, Labour  
Department, Puducherry, dated 8-7-2009.

Ex.P11 — Copy of the letter sent by the petitioner  
to the Conciliation Officer, Labour  
Department, Puducherry, dated 1-3-2010.

*List of exhibits marked for the respondent :*

Ex.R1 — NSD bar VIM cascade

Ex.R2 — Copy of the layout.

Ex.R3 — Cascade - 1 Bulk bagging station

Ex.R4 — Copy of production incentive table.

**S. MARY ANSELAM,**  
Presiding Officer,  
Industrial Tribunal.

**GOVERNMENT OF PUDUCHERRY**  
**DEPARTMENT OF PERSONNEL AND**  
**ADMINISTRATIVE REFORMS (PERSONNEL WING)**

(G.O. Ms. No. 24, dated 8th April 2014)

**NOTIFICATION**

In pursuance of the Order No. 14046/36/2005-UTS-I, dated 27-2-2014 of the Ministry of Home Affairs, New Delhi and on having reported for duty in this Administration on the forenoon of 28-3-2014, Shri K. Jegadesan, I.P.S. (AGMU: 1998) is appointed as Deputy Inspector-General of Police, Puducherry.

2. Shri K. Jegadesan, I.P.S., Deputy Inspector-General of Police, shall draw his pay and allowances against the ex-cadre post of Managing Director, Pondicherry Backward Class and Minority Development Corporation, Puducherry until further orders.

(By order of the Lieutenant-Governor)

**CHETAN B SANGHI,**  
Chief Secretary to Government

**GOVERNMENT OF PUDUCHERRY**  
**LABOUR DEPARTMENT**

*No. 7234/LAB/E/2010.*

*Puducherry, the 9th April 2014.*

**NOTIFICATION**

It is hereby informed that the original Provisional National Trade Certificate and National Trade Certificate of Thiru R. Rajendiran, an ex-trainee of Government Industrial Training Institute (Men), Mettupalayam, Puducherry in the trade of Mechanic (Refrigeration and Air-conditioning) for the period from August 2006 to July 2008 is reported to have been lost due to fire accident and it is proposed to issue duplicate certificate to the candidate.

**G. SRINIVAS,**  
Director of Employment and Training.

**GOVERNMENT OF PUDUCHERRY**  
**LABOUR DEPARTMENT**

*(G.O. Rt. No. 64/AIL/Lab./J/2014, dated 10th April 2014)*

**NOTIFICATION**

Whereas, the Government is of the opinion that an industrial dispute has arisen between the management of M/s. Abirami Soap Works, Puducherry and its 7 employees viz., (1) E. Murugan, (2) A. Veerasami, (3) R. Raja, (4) M. Lingeswaran, (5) L. Pachaiappan, (6) L. Gnanamurthy and (7) M. Kannan represented by Puthiya Jananayaga Thozhilalar Munnani, over transfer of employees resulting in non-employment in respect of the matter mentioned in the Annexure to this order;

And whereas, in the opinion of the Government, it is necessary to refer the said dispute for adjudication;

Now, therefore, by virtue of the authority delegated vide G.O. Ms. No. 20/91/Lab., dated 23-5-1991 of the Labour Department, Puducherry to exercise the powers conferred by clause (d) of sub-section (1) of section 10

of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), it is hereby directed by Secretary to Government (Labour) that the said dispute be referred to the Labour Court, Puducherry for adjudication. The Labour Court, Puducherry shall submit the award within 3 months from the date of issue of reference as stipulated under sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947 and in accordance with rule 10-B of the Industrial Disputes (Central) Rules, 1957. The party raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses to the Labour Court, Puducherry within 15 days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute.

**ANNEXURE**

(a) Whether the dispute raised by Puthiya Jananayaga Thozhilalar Munnani against the management of M/s. Abirami Soap Works, Korkadu, Puducherry, over transfer of employees resulting in non-employment of Thiruvalargal (1) E. Murugan, (2) A. Veerasami, (3) R. Raja, (4) M. Lingeswaran, (5) L. Pachaiappan, (6) L. Gnanamurthy and (7) M. Kannan is justified? If justified, what relief the workmen are entitled to?

(b) To compute the relief, if any awarded in terms of money, if it can be so computed ?

(By order)

**S. THAMMU GANAPATHY,**  
Under Secretary to Government (Labour).

**GOVERNMENT OF PUDUCHERRY**  
**DIRECTORATE OF SCHOOL EDUCATION**  
**OFFICE OF THE CHIEF EDUCATIONAL OFFICER**

*Puducherry, the 29th March 2014.*

**RE-TENDER NOTICE**

Sealed tenders are invited for the sale of old condemned furniture items of the Office of the Chief Educational Officer, Puducherry in as-is-where-is condition on 29-5-2014.

2. The tenders in plain paper should be sealed and addressed to the Chief Educational Officer, Directorate of School Education, Puducherry duly superscribing on the envelope as "Tender for the purchase of old condemned furniture items" and sent to reach the undersigned on or before 29-5-2014 at 4.00 p.m. The tenders will be opened on the same day at 4.30 p.m. in the presence of the tenderers, who are present.